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COPY MAILED

DEC 02 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Michael Dearie : DECISION ON PETITION
Application No. 09/661,361 :
Filed: 20 August, 2001 :
For: WIRELESS AUTO INSURANCE :
VERIFICATION SYSTEM :

This is a decision on the communication filed on 13 January, 2005, which is treated as a renewed petition under 37 CFR 1.137(a), to revive the above-identified application.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioner.

The petition is again **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on 15 March, 2002, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed on 14 January, 2002, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 6 November, 2003. The petition filed on 26 November, 2003, was dismissed on 5 March, 2004. The petition filed on 22 April, 2004, was dismissed

on 16 November, 2004. The present renewed petition was filed on 13 January, 2004.

Petitioner again asserts that he was hospitalized for an extended period of time. The present petition is accompanied by a statement from petitioner's treating physician.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed;¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The present petition lacks item (1).

In regard to item (1), the petition still lacks the reply required by 37 CFR 1.137(a)(1). In this regard, petitioner has still not filed the substitute specification required by the Notice mailed on 14 January, 2002. Petitioners must supply a substitute specification in compliance with 37 CFR 1.52 with any

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renewed petition. If a substitute specification was previously filed, petitioners may wish to supply a copy of that specification, as any well as evidence of timely filing, such as a certificate of mailing or itemized stamped postcard receipt.

The papers filed on 13 January, 2005, do not constitute a proper reply to the Notice to File Corrected Application Papers in that a substitute specification in compliance with 37 CFR 1.52 has not been provided, and an abstract of the technical disclosure in accordance with 37 CFR 1.72(b) has not been provided.

A copy of 37 CFR 1.52 and 1.72 have been provided for petitioner's assistance in preparing a reply. Petitioner may also wish to contact the Inventor's Assistance Center at 1-800-PTO-9199 for additional guidance in preparing the specification and abstract.

It is noted that the substitute specification MUST be filed with a grantable petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: 37 CFR 1.52
 37 CFR 1.72